

Message Text

SECRET

PAGE 01 SAIGON 15710 221048Z

13

ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 W

----- 008774

O R 221000Z DEC 74 ZFF-4

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC IMMEDIATE NIACT 1301

INFO AMEMBASSY BERN

US MISSION GENEVA 1407

USUN NEW YORK 739

USDEL JEC PARIS

S E C R E T SAIGON 15710

EXDIS

E.O. 11652: GDS

TAGS: PFOR, VN, SZ, ICRC

SUBJECT: U.S. RESPONSE TO "PRG" ACCESSION TO GENEVA CONVENTIONS

REF: (A) BERN 4781 (B) STATE 279805 (C) SAIGON 15702
(D) STATE 277251

1. SINCE PROPOSED U.S. NOTE RESPONDING TO "PRG" ACCESSION TO GENEVA CONVENTIONS (REF D) ALREADY DELIVERED TO SWISS DECEMBER 20 (REF A), WE URGE IN STRONGEST TERMS THAT IT BE RECALLED IMMEDIATELY IN A QUIET AND ROUTINE MANNER. IN DOING SO, WE SHOULD MAKE NO EXPLANATION BEYOND APOLOGIZING TO SWISS FOR DELIVERING NOTE BY ERROR.

2. IF SWISS SHOULD ASK, WE SHOULD POINT OUT WITHDRAWAL OF NOTE SIMPLY LEAVES THE RECORD BLANK EXACTLY AS IF NOTE NEVER RECEIVED.

3. AS DEPARTMENT OF COURSE AWARE, THIS IS COMMONLY ACCEPTED DIPLOMATIC PRACTICE WHICH RESORTED TO IN JUST SUCH SITUATIONS AS THE PRESENT CASE. OUR WITHDRAWAL OF NOTE SHOULD CAUSE NO UNFAVORABLE COMMENT OR SPECULATION WITHIN THE SWISS GOVERNMENT. WE BELIEVE, BASED ON HISTORICAL RECORD OF OUR RELATIONSHIP, WE CAN CONFIDENTLY RELY ON THE DISCRETION OF THE SWISS NOT TO

SECRET

SECRET

PAGE 02 SAIGON 15710 221048Z

ATTRACT ANY NOTICE TO THE MATTER.

4. WE ARE WELL AWARE THAT THE ARGUMENT WILL BE MADE BY ELEMENTS OF THE DEPARTMENT THAT TO WITHDRAW THE NOTE WILL ONLY HIGHLIGHT CASE AND MAKE MATTERS WORSE. THAT ARGUMENT SHOULD BE TOTALLY REJECTED. EVEN IN WORST CASE, IF OUR WITHDRAWAL OF NOTE SHOULD BECOME SUBJECT OF PUBLIC COMMENT, WHICH WE REPEAT IS MOST UNLIKELY, DAMAGE DONE WOULD BE IMMEASURABLE LESS THAN IF NOTE IS PERMITTED TO STAND ON THE RECORD. FOR THE REASONS SET FORTH REF C, FOR U.S. TO TAKE POSITION CONTAINED IN NOTE WOULD BE ENORMOUSLY DAMAGING TO OUR EFFORTS TO SUPPORT THE REPUBLIC OF VIETNAM INTERNATIONALLY AND TO COUNTER HANOI'S PERSISTENT AND PERVASIVE CAMPAIGN TO HAVE ITS CREATURE, THE "PRG" ACCEPTED AS A RIVAL TO THE GVN AS THE LEGAL GOVERNMENT OF SOUTH VIETNAM. (IT COULD BE USED AGAINST US WITH DRAMATIC EFFECT WHEN THE GENEVA LAW OF WAR CONFERENCE OPENS IN ONLY A FEW WEEKS.) FAILURE TO WITHDRAW THIS NOTE IS TO CONCEDE VICTORY TO HANOI'S DIPLOMATIC OFFENSIVE, AND WE SHOULD HAVE NO ILLUSIONS, WHATEVER, THAT THIS WILL BE THE CASE.

5. THE GVN POSITION IN REGARD TO "PRG" ACCESSION TO THE GENEVA CONVENTIONS IS THE SIMPLE AND LOGICAL ONE THAT, NOT BEING A GOVERNMENT, FOR "PRG" TO "ACCEDE" TO AN INTERNATIONAL INSTRUMENT IS MEANINGLESS. THERE IS ONLY ONE WAY TO EXPLAIN TO THE GVN OR TO THE CONGRESS AND THE AMERICAN PUBLIC WHY THE U.S. SHOULD RESPOND TO THE "PRG" ACCESSION IN A DIPLOMATIC NOTE WHEN, AS WE HAVE SO OFTEN MADE PLAIN, LIKE THE GVN, WE REGARD THE "PRG" AS NOT A GOVERNMENT BUT ONLY AN ARM OF THE DRV.

6. THAT ONE WAY IS TO STATE OPENLY THAT THE USG FULLY INTENDS TO REINTRODUCE AMERICAN MILITARY FORCES INTO GROUND COMBAT IN VIETNAM SHOULD HANOI CHOOSE TO ESCALATE THEIR MILITARY ACTION, WHICH WE AND THE GVN BOTH KNOW IS HANOI'S INTENTIONS THEREFORE, THERE IS A PRESUMED NECESSITY TO OFFICIALLY RECORD THAT "THE GOVERNMENT OF THE UNITED STATES.....WILL.....ACCORD TO THE PERSONNEL OF THE 'PROVISIONAL REVOLUTIONALY GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM' THE TREATMENT PROVIDED BY THE CONVENTIONS WHEN WE AGAIN ENCOUNTER THEM ON THE BATTLEFIELD. THERE CAN BE NO REPEAT NO OTHER LOGICAL REPEAT LOGICAL REASON FOR THE USG TO MAKE SUCH AN UNDERTAKING.

SECRET

SECRET

PAGE 03 SAIGON 15710 221048Z

7. IF THE USG HAS MADE A FIRM DECISION TO REINTRODUCE AMERICAN GROUND FORCES INTO VIETNAM, THEN THIS UNDERTAKING BECOMES, OF COURSE, A LOGICAL POSITION. WE ARE RELATIVELY CERTAIN THAT THE GVN WOULD FEEL SOME REASSURANCE THAT WE HAVE MADE SUCH A FIRM DECISION TO REINTRODUCE AMERICAN GROUND COMBAT TROOPS. NOT THAT THEY WOULD PARTICULARLY WANT THE TROOPS. THEIR NEED IS FOR MUNITIONS TO EQUAL THOSE OF THE OTHER SIDE -- NOT FOR AMERICAN BODIES. HOWEVER, IF THE BODIES COME, THE MUNITIONS WOULD BE SURE TO FOLLOW,

SINCE AMERICAN MILITARY STANDARDS CALL FOR TEN TIMES THE AMOUNT OF MUNITIONS ON AN INACTIVE FRONT AS ARE NOW AVAILABLE TO THE SOUTH VIETNAMESE IN AN ACTIVE COMBAT ROLE.

8. HOWEVER, THIS MISSION CATEGORICALLY REJECTS EITHER THE NEED OR THE DESIRABILITY TO REINTRODUCE AMERICAN GROUND FORCES INTO VIETNAM. WE HAVE NOT SO RECOMMENDED. WE FORSEE NO POSSIBLE SITUATION WHERE SUCH ACTION WOULD SERVE THE INTERESTS OF THE UNITED STATES. THEREFORE, WE BELIEVE IT THE HEIGHT OF FOLLY TO CONVEY THE SLIGHTEST INFERENCE OR IMPLICATION (WHICH THE TEXT OF THE NOTE INEVITABLY DOES) THAT THIS IS OUR INTENTION.

9. WE HAVE NOT BEEN INFORMED THAT THIS IS THE USG INTENTION. SINCE THERE IS NO OTHER POSSIBLE REASON WHY THE USG SHOULD EVEN TAKE COGNIZANCE OF THE "PRG" ACTION, WE ASSUME EMBASSY BERN WILL BE INSTRUCTED TO WITHDRAW THE NOTE. AFTER THAT IS DONE, WE ASSUME THE SECRETARY WILL DECIDE THAT OUR BEST POSTURE IN THIS MATTER IS SIMPLY TO MAKE NO REPEAT NO FORMAL RESPONSE TO THE "PRG" DEPOSIT OF ACCESSION TO THE GENEVA CONVENTIONS.

10. IT IS OBVIOUS THAT THERE IS A CERTAIN URGENCY IN ASSURING THE NOTE IS WITHDRAWN BEFORE THE GOS TRANSMITS ITS TEXT TO THE ICRC IN GENEVA. IT IS HIGHLY UNLIKELY THAT THIS WOULD HAVE BEEN DONE ON FRIDAY. WE ASSUME, THEREFORE, THAT EMBASSY BERN WILL BE INSTRUCTED TODAY TO WITHDRAW THE NOTE AT THE EARLIEST POSSIBLE MOMENT ON MODAY MORNING.
MARTIN

SECRET

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RECOGNITION, FOREIGN POLICY POSITION, DIPLOMATIC NOTES, GENEVA CONVENTIONS, MEMBER ADMISSIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 DEC 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974SAIGON15710
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740372-0427
From: SAIGON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741216/aaaaanli.tel
Line Count: 142
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SS
Original Classification: SECRET
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS
Reference: 74 BERN 4781, 74 STATE 279805, 74 SAIGON 15702
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 07 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2002 by boyleja>; APPROVED <20 MAR 2003 by ShawDG>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: U.S. RESPONSE TO "PRG" ACCESSION TO GENEVA CONVENTIONS
TAGS: PFOR, VN, SZ, US, ICRC, PRG
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005